

Application No.: 10/725,940
Amendment Dated: July 12, 2010
Reply to Office Action of: April 12, 2010

MTS-3582US

Remarks/Arguments:

Claims 1-5, 7, 8, 10-15 and 19 are presently pending, with all pending claims rejected. Applicants respectfully request reconsideration in view of the following remarks.

Claim Rejections - 35 U.S.C. § 112

Section 3 of the Office Action recites that "claim 19 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention." The Office Action indicates that there is insufficient antecedent basis for the phrase "the information about the hierarchical structure." Applicants respectfully disagree. Claim 19 depends from claim 2, which in turn depends from claim 1. Claim 1 recites, *inter alia* "(3) a play list a play list file menu file storing a play list file menu which is information about a hierarchical structure by which the play list files are accessible" (underlining added). Applicants contend that the phrase "the information about the hierarchical structure" finds support in this quoted passage of claim 1. Accordingly, Applicants contend that claim 19 is definite and respectfully request that the rejection of claim 19 under 35 U.S.C. § 112 be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Section 6 of the Office Action recites that "claims 1-5, 7-8, 10-15 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nonaka et al. (Nonaka, US 6,614,732 B2) in view of Proehl et al. (Proehl, US 6,118,450) and in further view of Mercer et al. (Mercer, US 7,136,874 B2)." Applicants note that the Mercer reference was added by the Examiner in response to Applicants' Amendment submitted January 26, 2010. Applicants further note that the subject matter of Mercer and the invention as set forth in claims 1-5, 7-8, 10-15 and 19 were made on the behalf of parties to a joint research agreement (Microsoft Corporation and Matsushita Electric Industrial Co., Ltd.), within the meaning of 35 U.S.C. § 103(c)(3) and 37 CFR 1.104(c)(4)(ii), that was in effect on or before the date the claimed invention was made, and the claimed invention was made as a result of activities undertaken within the scope of this joint development agreement. Thus, reliance on the Mercer reference

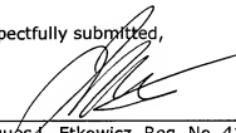
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is improper. Accordingly, Applicants contend that the rejection of claims 1-5, 7-8, 10-15 and 19 is improper and respectfully request that the rejection of these claims be withdrawn.

In view of the above remarks, Applicants contend that the application is in condition for allowance. Notification of such is earnestly solicited.

Respectfully submitted,


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Dated: July 12, 2010

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